APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
BURGESS, BARBARA N

ART UNIT	PAPER NUMBER
2457	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/750,191	LASALLE ET AL.
Office Action Summary	Examiner	Art Unit	
	BARBARA N. BURGESS	2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>11 March 2009</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-7,11-24 and 28-31</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-7,11-24 and 28-31</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This Action is in response to Request for Continuation Examination (RCE) filed March

11, 2009. Claims 8-10 and 25-27 are cancelled as requested by Applicant. Claims 1-7,

11-24, 28-31 are presented for further examination.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-7, 11-24, 28-31 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Elza et al. (hereinafter "Elza", US Patent Publication 2004/0230903

A1) in view of Lindsey (US Patent Publication 2004/0121789 A1).

As per claims 1 and 18, Elza discloses a system for transport agnostic pull mode

messaging comprising:

a first client for sending a first message to a first adapter using a first communication

protocol, receiving a response from the first adapter using the first communication

protocol indicating that the first message was received, and resending the first message

to the first adapter using the first communication protocol if the response from the

adapter is not received within a predetermined time period (paragraphs [0079-0080,

0086, 0088]);

a first adapter for receiving the first message and sending the response to the first client using the first communication protocol indicating that the first message was received, generating a second message based on the first message, and sending the second message to a server engine using a second communication protocol (paragraphs [0080-0082, 0085, 0110]);

a server engine for executing at least one instruction based on the second message (paragraphs [0085, 0087, 0122]); and

a message storage for storing data associated with the second message (paragraphs [0084, 0086]).

Elza does not explicitly disclose:

A plurality of first clients;

The first communication protocol corresponding to each first client being different from the first communication protocol corresponding to every other first client;

Each first adapter being constructed to communicate with the corresponding first client according to the corresponding and differing first communication protocol;

Every first adapter being constructed to communicate with the common server engine according to the common second communication protocol;

The common server engine, such common server engine for receiving each second message and executing at least one instruction based on the received second message, the at least one executed instruction for retrieving from a storage device electronic communications to the user and sending the retrieved electronic

communications to an endpoint comprising another first client of the user different from

the first client of the user;

Each first adapter being local to the common server engine and remote from the

corresponding first client.

However, the use and advantages of using such adapter is well-known to one of

ordinary skill in the art as evidenced by Lindsey (paragraphs [0014, 0020-0022], Figure

2).

Therefore, one of ordinary skill in the art at the time the invention was made

would have found it obvious to implement or incorporate Lindsey's adapter in Elza's

system in order to translate information for plurality of remote access devices.

As per claim 2, Elza discloses the system of claim 1, further comprising:

a second client for receiving a third message from a second adapter using a third

communication protocol (paragraph [0108, 0122]); and

a second adapter for receiving a fourth message from the server engine using the

protocol, generating a third message based on the fourth message, and sending the

third message to a second client using a third communication protocol (paragraphs

[0122, 0125]).

As per claims 3, 20, Elza discloses the system and method of claims 1, 18, wherein the

at least one instruction comprises an instruction for storing data associated with the

second message in a storage device (paragraph [0084]).

As per claims 4, 21, Elza discloses the system and method of claims 3, 20, wherein one of the server engine and the adapter determines if the second message is a duplicate message already stored, and if so, rejects the second message; and otherwise, determines an endpoint associated with the message, and stores the message in a queue corresponding to the endpoint (paragraphs [0092, 0133]).

As per claims 5, 22, Elza discloses the system and method of claims 3, 20, wherein the storage device comprises a queue associated with an endpoint (paragraph [0137]).

As per claims 6, 23, Elza discloses the system and method of claims 5, 22, wherein the endpoint is associated with the first client (paragraph [0088]).

As per claims 7, 24, Elza discloses the system and method of claims 5, 22, wherein the endpoint is associated with at least one of a user, a client, and an application different from the client (paragraphs [0077, 0080]).

As per claims 11, 28, Elza discloses the system and method of claims 1, 18, wherein the first client generates the first message prior to sending the first message, the first message comprising a unique message identifier (paragraphs [0075, 0131]).

As per claims 12, 29, Elza discloses the system and method of claims 1, 18, wherein the first adapter or the server engine determines if the received first message is a duplicate of an already received message (paragraph [0133]).

As per claims 13, 30, Elza discloses the system and method of claims 1, 18, wherein the first client device generates a first client device specific unique identifier corresponding to the first message, stores the first client specific identifier, and sends the client specific identifier along with the first message to the first adapter (paragraphs [0131-0132]).

As per claims 14, 31, Elza discloses the system of claim 1, wherein the response comprises a first client specific unique message identifier, and the first client verifies that the received first client specific identifier corresponds to a stored first client specific identifier (paragraph [0133]).

As per claim 15, Elza discloses the system of claim 1, wherein the first communication protocol is different from the second communication protocol (paragraph [0080]).

As per claim 16, Elza discloses the system of claim 2, wherein the second communication protocol is different from the third communication protocol (paragraph [0080]).

As per claim 17, Elza discloses the system of claim 2, wherein the third communication protocol is different from the first communication protocol (paragraph [0080])

As per claim 19, Elza discloses the method of claim 18 wherein the first communication

protocol is different from the second communication protocol (paragraph [0080]).

Response to Arguments

3.   Applicant's arguments filed have been fully considered but they are not

persuasive.

The Office notes the following argument(s):

(a)   Elza and Lindsey references both fail to disclose or even suggest that the

executed instruction retrieves from a storage device electronic communications to a

user and sends the retrieved electronic communications to an endpoint comprising

another first client of the user different from the first client of the user.

In response to:

(a)   Lindsey teaches a web server receiving requests for information from many

remote devices. These remote devices being that of PDA, wireless device, PALM all

using different protocols. The web server has several protocol adapters in order to

communicate with the different devices. The adapters translate device-specific

requests into standardized requests and translate general responses into device-

specific responses, suitable for delivery to specific devices. The web server is able to

receive and respond to requests from devices of different protocols because of the

plurality protocol adapters installed. Voice data, packet data, and/or messages may be

exchanged between the web server and the remote devices (paragraphs [0021, 0024-

0026, 0028, 0030-0031]).

Therefore, Lindsey undoubtedly discloses executed instruction retrieves from a storage device electronic communications to a user and sends the retrieved electronic communications to an endpoint comprising another first client of the user different from the first client of the user.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BARBARA N. BURGESS whose telephone number is (571)272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Barbara N Burgess/   Barbara N Burgess
Examiner, Art Unit 2457   Examiner
                                                       Art Unit 2457
March 27, 2009

/ARIO ETIENNE/

Supervisory Patent Examiner, Art Unit 2457